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GENERAL AND COMPLETE DISARMAMENT

An international agreement to ban anti-personnel landmines

Report of the Secretary-General

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* A/52/150 and Corr.1.

** On behalf of the States members of the European Union. The following associated countries have aligned themselves with it: Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia, as have Iceland and Liechtenstein.

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I. INTRODUCTION

1. On 10 December 1996, the General Assembly adopted resolution 51/45 S, entitled "An international agreement to ban anti-personnel landmines", paragraphs 1, 5 and 6 of which read as follows:

> "The General Assembly,
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> "...
>
> "1. Urges States to pursue vigorously an effective, legally binding international agreement to ban the use, stockpiling, production and transfer of anti-personnel landmines with a view to completing the negotiation as soon as possible;
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> "...
>
> "5. Requests the Secretary-General to prepare a report on steps taken to complete an international agreement banning the use, stockpiling, production and transfer of anti-personnel landmines, and on other steps taken by Member States to implement such bans, moratoriums or other restrictions and to submit it to the General Assembly at its fifty-second session under the item entitled 'General and complete disarmament';
>
> "6. Requests Member States to provide the requested information for the report of the Secretary-General on steps taken to complete an international agreement banning the use, stockpiling, production and transfer of anti-personnel landmines, and on other steps taken to implement bans, moratoriums or other restrictions on anti-personnel landmines and to submit such information to the Secretary-General by 15 April 1997."

2. In pursuance of the request contained in paragraph 6 of resolution 51/45 S, information has been received thus far from Austria, Italy, Panama and the Netherlands (on behalf of the European Union; the following countries have aligned themselves with it: Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia; Iceland and Liechtenstein have also aligned themselves with it). Any additional information received from Member States will be issued as addenda to the present report.

II. STEPS TAKEN TO COMPLETE AN INTERNATIONAL AGREEMENT TO BAN ANTI-PERSONNEL LANDMINES

A. Ottawa process

3. At a meeting convened by Canada in Ottawa in October 1996, 50 countries undertook to support efforts for a global ban on anti-personnel landmines. Since that date, work on drafting a convention is progressing through a series of meetings held in Vienna (February 1997), Bonn (April 1997) and Brussels (June 1997), and the number of States supporting the objective has grown. The United Nations was represented at the meetings of this process. The draft

convention, which has been elaborated by the Government of Austria, will be formally negotiated at a diplomatic conference in Oslo in early September 1997 and is expected to be opened for signature in Ottawa in December 1997. The draft will be comprehensive, encompassing a prohibition of the use, development, production, stockpiling and transfer of anti-personnel landmines.

4. According to the draft convention, parties will undertake to destroy, in addition to their stockpiles of anti-personnel landmines (art. 4), anti-personnel landmines laid within minefields (art. 5) and mines laid in areas outside minefields (art. 6) and to report on the status of their programmes for destruction annually. The convention envisages a variety of roles for the United Nations, including treaty review conferences; compliance investigations; setting-up of conferences of States parties; collection, transmittal and circulation of requests, reports and information; designation of the Secretary-General as the depositary of the convention; and work in the technical area of mine clearance.

B. Conference on Disarmament

5. No negotiations on anti-personnel landmines have begun in the Conference on Disarmament. However, on 26 June 1997, the Conference decided to appoint a Special Coordinator to conduct consultations on a possible mandate on the question of anti-personnel landmines under agenda item 6.

III. INFORMATION RECEIVED FROM GOVERNMENTS

AUSTRIA

[Original: English]

[12 March 1997]

1. Austria was a sponsor of General Assembly resolution 51/45 S, entitled "An international agreement to ban anti-personnel landmines", adopted on 10 December 1996, and has observed an export moratorium for anti-personnel mines since October 1994. In the course of 1995, Austria completely destroyed its remaining stocks of anti-personnel mines. With the Federal Law on the Ban of Anti-Personnel Mines, recently adopted by the Austrian Parliament, Austria has now taken a further effective step at the national level in order to fulfil its solemn commitment to ban totally the use, stockpiling, production and transfer of anti-personnel landmines. A translation of the Federal Law is given below.

2. On the multilateral level, Austria is a staunch supporter of the efforts to complete as soon as possible an effective, legally binding international agreement on a total ban of anti-personnel landmines. In this context, attention is drawn to the fact that Austria has distributed through its embassies a first tentative draft of such a convention and has invited all interested States to an expert meeting on the text of a convention on the total ban of anti-personnel mines. The meeting was held in Vienna from 12 to 14 February 1997 and was attended by 111 Member States.

Federal Law on the Ban of Anti-Personnel Mines

Definitions

Article 1

In the context of this Federal Law:

1. "Anti-personnel mine" means a means of combat designed to be placed under, on or near the ground or other surface area and designed to detonate or explode by the presence, proximity or contact of persons.

2. "Anti-detection mechanism" means a device designed to bring an anti-personnel mine to explosion or detonation by the use of a mine-detecting device.

Prohibitions

Article 2

The production, acquisition, sale, procurement, import, export, transit, use and possession of anti-personnel mines as well as of anti-detection mechanisms shall be prohibited.

Restrictions

Article 3

1. Mines earmarked exclusively for training purposes within the Federal Army or the Mine Clearance Service or the Explosives Disposal Service are not subject to the prohibition set out in article 2.

2. The import, possession and the stockpiling of anti-personnel mines for the purpose of immediate dismantlement or other types of destruction are not subject to the prohibition set out in article 2.

Destruction of existing stockpiles

Article 4

Existing stockpiles of anti-personnel mines or anti-detection mechanisms prohibited under article 2 shall be reported to the Federal Ministry of the Interior within one month and shall be destroyed by the said Ministry not later than one year after the entry into force of this Federal Law upon reimbursement of costs.

Penalty

Article 5

Whoever, and even if only by negligence, contravenes the prohibition of article 2 of this Federal Law, shall be sentenced to imprisonment for up to two years or a fine of up to 360 times the daily rate, if the offence is not subject to a more severe penalty under another Federal Law.

Confiscation and forfeiture

Article 6

1. Anti-personnel mines or anti-detection mechanisms as well as components thereof that are object of an act punishable under article 5 shall be confiscated by court order.

2. Machines and facilities used in the production of items under the prohibition set out in article 2 can be declared forfeited by the court. They shall be secured at the owner's expense so that those items cannot be further used in contravention of the prohibition set out in article 2.

3. Means used to transport items under the prohibition of article 2 may be declared forfeited by the court.

4. Items under forfeiture according to paragraphs 2 and 3 shall become property of the Federation. Items confiscated under paragraph 1 shall become property of the Federation and must be reported to the Federal Ministry of the Interior for destruction in accordance with article 4.

Execution

Article 7

Entrusted with the execution of this Federal Law are:

1. With respect to article 3, paragraph 1, the Federal Minister of the Interior and the Federal Minister of Defence;

2. With respect to articles 5 and 6, the Federal Minister of Justice; and

3. With respect to the other provisions, the Federal Minister of the Interior.

Entry into force

Article 8

This Federal Law enters into force on 1 January 1997.

ITALY

[Original: English]

[16 June 1997]

1. In order to complete the measures already adopted on the ban of production and export of anti-personnel landmines and the initiation of their destruction, the Government of Italy has agreed to renounce the operational use of anti-personnel landmines. The decision, which responds to the needs expressed by domestic and international public opinion, was adopted in order to contribute to reaching a solid international understanding and a definitive solution to the problem caused by anti-personnel landmines.

2. To that end, consistent with the relevant resolutions of the General Assembly, as well as with the objectives of the European Union, Italy will continue to work actively in the framework of the Conference on Disarmament in Geneva and to follow the Ottawa process so that, through the complementarity of the actions in the two forums, the international community can design a set of effective norms supported by the largest possible number of States.

NETHERLANDS*

[Original: French]

[3 June 1997]

1. The European Union (EU) is determined to combat and halt the indiscriminate use and worldwide dissemination of anti-personnel landmines and contribute to solving the problems already caused by these weapons.

2. By their joint action of 12 May 1995, the EU member States implemented a moratorium on the export of anti-personnel mines, as called for by the relevant General Assembly resolutions (resolutions 48/75 K, 49/75 D and 50/70 O).

3. In the light of the results of the Review Conference of the 1980 Convention, the EU member States considered that the initiatives taken by the Union since the joint action of 12 May 1995 should be updated and further developed. The purpose of the second joint action of 1 October 1996 is to reinforce the significant political and practical measures already taken by EU to achieve these goals. This joint action is in three parts:

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* On behalf of the States members of the European Union. The following associated countries have aligned themselves with it: Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia, as have Iceland and Liechtenstein.

(a) Continuation of EU efforts to ensure the full implementation of the outcome of the first Review Conference of the 1980 Convention, and support for agreed international efforts to ban anti-personnel landmines;

(b) A joint moratorium on the export to any destination of anti-personnel landmines;

(c) A multidimensional contribution by the Union to mine clearance efforts.

In that spirit, the EU member States participated in October 1996 in the Ottawa Conference "Towards a Global Ban on Anti-Personnel Mines", which decided to organize and convene a follow-up conference in Brussels in June 1997.

4. General Assembly resolution 51/45 S, which urges States to pursue vigorously an effective, legally binding international agreement to ban the use, stockpiling, production and transfer of anti-personnel landmines with a view to completing the negotiation as soon as possible, was supported by the 15 EU member States. The Union is determined to achieve the goal of the total elimination of anti-personnel landmines and is actively pursuing the earliest possible conclusion of an effective international agreement to ban these weapons throughout the world. The EU member States took part in a preliminary discussion, held in Vienna in February 1997, on a draft convention prepared by Austria.

5. The member States of the Union welcome the German initiative to hold an international conference of experts in Bonn on 24 and 25 April 1997 on possible verification of a global treaty banning anti-personnel landmines.

6. The EU member States are aware of the opportunities offered by the Conference on Disarmament in the area of conventional disarmament. The Union is seeking to set up an ad hoc committee within the Conference, to negotiate, with a view to concluding as soon as possible, an effective international agreement on a comprehensive global ban on anti-personnel landmines.

7. The EU member States are prepared to give entirely open-minded consideration to any steps which may contribute to a comprehensive ban on anti-personnel mines.

PANAMA

[Original: Spanish]

[3 June 1997]

1. The Government of the Republic of Panama expresses its concern about anti-personnel landmines and their adverse effects upon the effective development of human rights and upon humanitarian actions in those places where the latter are needed.

2. The Government of Panama, respectful of the rules of international humanitarian law, acceded to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, and its Protocols I, II, III and IV.

3. Furthermore, the Government of Panama does not import, export, manufacture, use or stockpile anti-personnel landmines, and supports those members of the international community who advocate a comprehensive ban on anti-personnel landmines.